



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable T. M. Trimble  
First Assistant State Superintendent  
Austin, Texas

Dear Sir:

Opinion No. 0-1405

Re: Liability of a school district  
for injuries to a student re-  
ceived while participating in  
football or while being trans-  
ported in regular school buses  
to and from inter-school games.  
Would the fact that a portion  
of the student body was insured  
by the school board cause said  
school district to be liable for  
injuries to a student not so in-  
sured.

We are in receipt of your letter of September 8, 1939,  
in which you request an opinion of this Department as to whether  
or not a school district is liable for injuries received by stu-  
dents participating in football or while traveling to and from  
an inter-school game in a regular school bus.

On April 14, 1939, Opinion No. 0-443 was sent to you.  
This opinion thoroughly discussed the authorities in this State  
which held that an independent school district cannot be held  
liable in tort for injuries sustained by a student. It is the  
opinion of this Department that the rule set down in this prior  
opinion would also cover injuries sustained while participating  
in football or other athletic contests. Said rule would also  
apply in cases where the student was injured in being transferred  
to and from a football game in a regular school bus.

You inquire also whether the fact that part of the stu-  
dent body was insured by the school board would render the school  
district liable for an injury sustained by a student not so insured.

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It is the opinion of this Department that because the school district cannot be liable in tort, it would make no difference whether or not part of the student body was insured as rendering the school district liable for an injury sustained by one of the students not so insured.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*Billy Goldberg*  
Billy Goldberg  
Assistant

BG:RS



APPROVED SEP 16, 1939

*Genard B. Murray*  
ATTORNEY GENERAL OF TEXAS